

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ROBERT MANUS and  
NANCY MANUS,

No. 1:10-cv-1162 WDS/DJS

Plaintiffs,

v.

DEPUY ORTHOPAEDICS, INC. AND  
JOHNSON & JOHNSON

Defendants.

**PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE**

COME NOW the Plaintiffs by and through their attorneys of record, Branch Law Firm (Turner W. Branch , Margaret Moses Branch and Brent M. Ferrel), and submit this response to this Court's *sua sponte* Order to Show Cause and respectfully ask that this court not dismiss Plaintiffs' Lawsuit against Defendants pursuant to Rule 41.1 of United States District Court for the District of New Mexico.

1. Rule 41.1 of United States District Court for the District of New Mexico provides that a cause of action may be dismissed if for a period of ninety (90) calendar days, no steps are taken to move the case forward.
2. Plaintiff acknowledge that more than ninety calendar days have passed since the Complaint was filed, but respectfully asks this court to quash its Order to Show Cause and not dismiss the Lawsuit.
3. Plaintiffs filed their lawsuit against Defendants on December 7, 2010.
4. On December 14, 2010, Plaintiffs' Complaint was properly and timely served on both

Defendants.

5. The Plaintiffs inadvertently did not file the Summons with the return of service prior to this Courts Order to Show Cause
6. On April 12, 2011, Plaintiffs filed the Summons with the return of service for both Defendants.

WHEREFORE, Plaintiffs respectfully request that this Court quash the Order to Show Cause and not dismiss the Complaint against Defendants. As Plaintiffs have successfully effected service of process.

Respectfully Submitted,

BRANCH LAW FIRM

By: 

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~~Brent M. Ferrel~~

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